



**Title 7—MISSOURI DEPARTMENT OF TRANSPORTATION
Division 60—Highway Safety and Traffic Division
Chapter 2—Breath Alcohol Ignition Interlock Device Certification and Operational
Requirements**

PROPOSED AMENDMENT

7 CSR 60-2.040 Responsibilities of Manufacturers. The Missouri Highways and Transportation Commission is adding a new subsection (1)(D), renumbering subsections (1)(D) through (1)(I), and amending new subsection (1)(G).

PURPOSE: This amendment updates record retention term for manufacturers and expands quality assurance measures for manufacturers when monitoring the operator's data.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) A manufacturer shall—

(D) Review operator's downloaded data for quality assurance in the event a minimum of thirty (30) vehicle starts is not recorded, zero (0) miles is recorded driven, or negative vehicle miles traveled is recorded, compared to the previous service record;

(D/E) Provide testimony in any civil, criminal, or administrative proceeding or hearing on device manufacturing, function, testing protocol(s), and any report or information provided to the division, Department of Revenue, or court supervising authority;

(E/F) Retain all information obtained as a result of each calibration or inspection for a minimum of three (3) years from the date of device removal;

(F/G) Retain records of installation, calibration, downloads, service, removal, and their associated invoices for a minimum of *[three]five (3/5)* years from the date of device removal;

(G/H) Provide, upon request and at no cost, informational materials on devices to the Division of Probation and Parole, the Circuit Courts, and the Department of Revenue for distribution to operators;

(H/I) Create a printed price list reflecting any and all fees related to ignition interlock services that are not covered in the lease agreement; and

(I/J) Document any evidence of tampering and circumvention and notify court supervising authority.

*AUTHORITY: sections 226.130, 302.304, 302.309, 302.525, 577.041, 577.600, 577.605, and 577.612, RSMo 2016, sections 302.440–302.462, RSMo 2016 and Supp. 2022, and section 302.060, RSMo Supp. 2022. * This rule originally filed as 11 CSR 60-2.040. Emergency rule filed Feb. 5, 1996, effective Feb. 15, 1996, expired Aug. 12, 1996. Original rule filed Feb. 16, 1996, effective Aug. 30, 1996. Moved to 7 CSR 60-2.040, effective Aug. 28, 2003. Emergency amendment filed May 7, 2009, effective July 1, 2009, expired Dec. 30, 2009. Amended: Filed May 7, 2009,*

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effective Dec. 30, 2009. Emergency amendment filed Sept. 12, 2013, effective Oct. 1, 2013, expired March 29, 2014. Amended: Filed Sept. 12, 2013, effective March 30, 2014. Rescinded and readopted: Filed March 9, 2018, effective Oct. 30, 2018. Amended: Filed May 6, 2022, effective Dec. 30, 2022. Amended: Filed January 5, 2024.

**Original authority: 226.130, RSMo 1939, amended 1993, 1995; 302.060, RSMo 1939, amended 1951, 1961, 1982, 1983, 1984, 1987, 1989, 1991, 1996, 1999, 2005, 2008, 2009, 2012, 2013, 2014, 2015, 2018; 302.304, RSMo 1961, amended 1972, 1973, 1979, 1983, 1984, 1989, 1991, 1996, 1999, 2001, 2002, 2003, 2008, 2012, 2013, 2014, 2015; 302.309, RSMo 1961, amended 1965, 1967, 1977, 1978, 1983, 1984, 1987, 1989, 1990, 1991, 1993, 1996, 1999, 2001, 2004, 2008, 2010, 2012, 2013, 2014, 2015; 302.440–302.462, *see Revised Statutes of Missouri, 2016 and Supp. 2017*; 302.525, RSMo 1983, amended 1984, 1991, 2002, 2008, 2012, 2013, 2015; 577.041, RSMo 1982, amended 1987, 1991, 1993, 1996, 1998, 2001, 2002, 2003, 2005, 2008, 2010, 2013, 2014; 577.600, RSMo 1995, amended 2001, 2008, 2014; 577.605, RSMo 2014; and 577.612, RSMo 1995, amended 2008, 2014.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*